United States District Court, Northern District of Illinois

Na	Name of Assigned Judge or Magistrate Judge Milton I. Shadur		. Shadur	Sitting Judge if Other than Assigned Judge					
CA	SE NUMBER	99 C	5283	DATE	4/24/	/2000			
CASE TITLE			De Tendevo	us, Inc. vs. Village	s, Inc. vs. Village of Libertyville				
MO	TION:	[In the following box (a the motion being present		te the party filing the motion, e.g., plaintiff, defendant, 3rd party plaintiff, and (b) state briefly the nature					
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(2)	□ Brief	in support of motion	due						
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(4)	☐ Ruling/Hearing on set for at								
(5)	□ Status	Status hearing[held/continued to] [set for/re-set for] on set for at							
(6)	□ Pretri	☐ Pretrial conference[held/continued to] [set for/re-set for] on set for at							
(7)	☐ Trial[set for/re-set for] on	t for] on at						
(8)	□ [Benc	h/Jury trial] [Hearing	uring] held/continued to at						
(9)			ith/without] prejudice and without costs[by/agreement/pursuant to] al Rule 21						
(10)	not be sent b Common Fa	ack to the drawing	board to present a AA paragraphs 4,	a fully self-containe 6 and 16 are stricke	on and Order. Villed Second Amended en, and the correspond	d Answer. Instead			
(11)		urther detail see orde	r attached to the orig	inal minute order.]					
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IN THE UNITED STATES DISTRICT COURT FOR THE NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

)	et al.,	INC.,	EVOUS,	TEND	DE
)	Plaintiffs,				
DOCKETED	99 C	No.)				v.	
APR 27 2000)	ILLE,	3ERTYVI	OF LIE	LLAGE	VI
)	Defendant.				

SUPPLEMENT TO MEMORANDUM OPINION AND ORDER

At the previously-scheduled April 20, 2000 status hearing date in this action, with all counsel save one participating by telephonic conference, the lawyer who was in court representing Village of Libertyville ("Village") tendered a document captioned "Defendant's Amended Answer to Plaintiffs' Amended Complaint and Affirmative Defenses" ("AA") that he represented as complying with the directive contained in this Court's April 18, 2000 memorandum opinion and order ("Opinion"). But in what has become a near-immortal phrase taken from Cool Hand Luke, "What we have here is a failure to communicate." In fact the AA continues in part to reflect the same deficiencies that were identified in the Opinion, so that it cannot be accepted as tendered.

This time, however, Village's counsel will not be sent back to the drawing board to present a fully self-contained Second Amended Answer. Instead Common Factual Allegations AA ¶¶4, 6 and

16 are stricken, and the corresponding allegations of the Amended Complaint are deemed admitted.

Milton I. Shadur

Senior United States District Judge

Date: April 24, 2000

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¹ In addition to counsel's unexplained noncompliance with the Opinion's express directive (which mirrored the extraordinarily clear mandate of Fed. R. Civ. P. 8(b)), each of those offending paragraphs includes a meaningless demand for "strict proof"--whatever that may mean. No fault is ascribed to Village's counsel in that respect, however, because this Court had neglected to identify that flaw in the original Opinion.